

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Petitioner,

ORDER

v.

Civil No. 04-2801 (MJD/JGL)

JOSE MADRIGAL,

Respondent.

Perry F. Sekus, Assistant United States Attorney, Counsel for Plaintiff.

Lyonel Norris, Assistant Federal Public Defender, Counsel for Defendant.

The above-entitled matter came before the Court on Petitioner's Request to Determine Respondent's Mental Condition. [Docket No. 1.] Petitioner now moves the Court to dismiss its previously granted Petition and enter an order allowing the Government to transfer Respondent from the Federal Medical Center in Rochester, Minnesota, to a normal penal institution. [Docket No. 11.] Medical records show that Respondent has recovered from his mental disease or defect to such an extent that he is no longer in need of psychiatric hospitalization.

Respondent does not object to Petitioner's Motion.

Based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner's request to discharge Jose Madrigal from psychiatric hospitalization [Docket No. 11] is **GRANTED**.

2. Petitioner's request to transfer Jose Madrigal from the Federal Medical Center to a normal penal institution [Docket No. 11] is **GRANTED**.
3. Petitioner's Petition to Determine Respondent's Present Mental Condition [Docket No. 1] is **DISMISSED**.

Dated: November 7, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court